

## **EXAMINER'S AMENDMENT**

### ***Information Disclosure Statement***

1. The information disclosure statement (IDS) was filed on June 11, 2008. The submission is in compliance with the provisions of 37 C.F.R. 1.97. According, the examiner considered the IDS.

### ***Examiner's Amendment***

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

3. Authorization for this examiner's amendment was given in a telephone interview with Nikolaus P. Schibli on July 18, 2008.

4. Please amend the following claims as follows:

Claim 7 (Currently Amended) A multi-carrier CDMA radio transmitting method of replicating each information symbol, disposing the replicated information symbols along a frequency axis, multiplying the replicated information symbols by a spreading code along the frequency axis, thus spreading the information symbols into components of a plurality of sub-

carriers having different frequencies, and thus rendering multiplex transmission of the information, comprising the [[step]] steps of:

enabling a transmission rate of the information to be changed by variably controlling a duration of a multiplex transmission interval between a first transmission of a symbol and a subsequent transmission of a symbol, along a time axis for each user to which the information is to be transmitted; and

controlling the transfer timing of transmission data by increasing or decreasing intervals between the first transmission and the subsequent transmission along the time axis.

Claim 28 (Currently Amended) A multi-carrier CDMA radio transmitting apparatus replicating each information symbols, disposing the replicated information symbols along a frequency axis, multiplying the replicated information symbols by a spreading code along the frequency axis, thus spreading the information symbols into components of a plurality of sub-carriers having different frequencies, and thus rendering multiplex transmission of the information, comprising

an intermittent transmission control part variably controlling a duration of multiplex transmission interval between a first transmission of a symbol and a subsequent transmission of a symbol, along a time axis for each user to which the information is to be transmitted, and  
controlling the transfer timing of transmission data by increasing or decreasing intervals between the first transmission and the subsequent transmission along the time axis.

Claim 50 (Currently Amended): The [[apparatus]] method as claimed in claim 7, wherein the intervals are adjusted prior to spreading.

5. Please cancel claims 51-52.

***Allowable Subject Matter***

6. Claims 7, 10, 13, 16, 19, 28, 31, 34, 37, 40, and 50 [renumbered 1-11] are allowed.

7. The following is an examiner's statement of reasons for allowance:

The examiner has not found a multi-carrier CDMA system which replicates symbols along the frequency axis, uses a spreading code on the symbols along different frequencies (different sub-carriers) and controls the multiplex transmission intervals between subsequent transmissions for each user by controlling the transfer timing [variable compression/decompression of the intervals] of the transmission data [see Fig. 2].

8. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARK A. MAIS whose telephone number is (571)272-3138. The examiner can normally be reached on M-Th 5am-4pm.

Art Unit: 2619

10. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wing F. Chan can be reached on 571-272-7493. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

11. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

July 18, 2008

/Mark A. Mais/

Examiner, Group Art Unit 2619

/Wing F. Chan/

Supervisory Patent Examiner, Art Unit 2619

7/21/08

**Application Number**

Application/Control No.

09/780,501

Applicant(s)/Patent under  
Reexamination

ABETA ET AL.

Examiner

MARK A. MAIS

Art Unit

2619